

1 REMARKS

2 Status of the Claims

3 Claims 1-4 and 6-29 remain pending in the present application, Claim 5 having been
4 canceled, and Claims 1, 2, 6, 9, 16, 20, and 24 having been amended to more clearly define
5 applicants' invention.

6 Comments Regarding Art Cited with Advisory Action

7 In a response to the Final Office Action, applicants pointed out that the cited references fail to
8 teach the unique combination employed in the claimed invention for synchronizing a predefined
9 content portion, e.g., a slide display, into a data stream while the live portion is being created.
10 Applicants also argued that the Examiner's dependence upon Official Notice that this aspect of the
11 claims is well known to those of ordinary skill in the art was not justified. In a subsequent Advisory
12 Action, the Examiner cited several additional references in support of the position taken regarding
13 Official Notice.

14 Having reviewed the references cited by the Examiner, it appears that two of these references
15 are not prior art and therefore cannot be used to justify the Examiners' claim that it is well known to
16 one of ordinary skill in the art to automatically embed slide display commands into a data stream as
17 the data is produced during a live presentation. Specifically, applicants note that U.S. Patent
18 Application 2002/0036694 (Merril) was filed on September 20th, as a continuation in part of a parent
19 application, Serial Number 09/073,871, which was filed on May 7, 1998. A copy of this parent case
20 apparently did not issue and was not provided to applicants for inspection. Accordingly, since the
21 Examiner did not cite the parent case, but instead apparently relies upon Merrill's pending CIP
22 application, which has a filing date after the March 22, 2000 filing date of the present application,
23 Merrill is not viewed as prior art to applicants' application. Similarly, the Examiner has cited U.S.
24 Publication number 2002/0124100 (Adams), which was filed on April 27, 2000. Adams is also a CIP
25 of an earlier application, Serial Number 09/315,924, which was filed on May 20, 1999 and has
26 apparently not issued. Since applicants were not provided a copy of the parent application of Adams,
27 they have no way of determining whether there is any mention of automatically embedding slide
28 change commands within a data stream produced during a live presentation. Accordingly, these two
29 references should not have been cited.

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1 Of the other references cited by the Examiner in support of the Official Notice, U.S. Patent
2 No. 6,144,991 (England) refers to a guide who is interacting with a client on a real time, interactive
3 basis over the World Wide Web. The guide is able to record a live session for later play back. This
4 session can include frames that are displayable within a web browser, and England teaches that the
5 frames can contain "any content normally associated with the Web." (See column 22 lines 7
6 through 9). However, England does not teach or suggest recording a live presentation while it is
7 being presented, while automatically inserting slide change commands within the data being
8 recorded. Instead, England teaches recording a series of frames that are transmitted to a client by a
9 guide making a presentation. Although these frames can include images, they are simply recorded in
10 the sequence transmitted from a server and do not represent the embedding of slide change
11 commands within a data stream corresponding to the live presentation.

12 Similarly, U.S. Patent No. 5,854,898 (Riddle) discloses an automatic method for adding an
13 additional data stream, such as auxiliary teleconference data, to an existing media connection
14 between two end points that are connected in a teleconferencing system. However, the teaching of
15 adding an additional data stream is not equivalent to applicants step for automatically embedding a
16 slide change signal within the data corresponding to a live portion of a live presentation as the data
17 are produced. Having reviewed Riddle, there seems no teaching or suggestion that would lead one of
18 ordinary skill in the art to understand how to embed such slide change data within a data stream.

19 U.S. Patent 6,665,835 (Gutfreund et al. -- hereinafter referred to simply as "Gutfreund") is the
20 only relevant reference cited by the Examiner in connection with automatically embedding slide
21 change commands within a data stream corresponding to a live portion of a presentation. However,
22 there is still a significant difference between this step of the present claimed invention and that taught
23 by Gutfreund. Specifically, as noted in column 3, lines 30 through 45, Gutfreund teaches capturing
24 multimedia content in real time and then using "certain post-processing techniques, within a very
25 short period thereafter, "to combine additional information that is "synchronized therewith." In
26 contrast, applicants specifically claim a method (Claim 1) for "automatically embedding the slide
27 display commands into a data stream *as the data stream is produced*, the data stream comprising data
28 corresponding to the live portion of the presentation, where in the live content is captured as a
29 plurality of video frames comprising a plurality of keyframes and deltaframes" (emphasis added).
30 Most importantly in this quoted portion from subparagraph (b) of Claim 1, the side display

1 commands are automatically embedded **contemporaneously** as the data stream is produced. In
2 contrast, Gutfreund teaches that "a viewer's notes or a presenter's slides" are subsequently included
3 within a previously captured data stream corresponding to audio/video portions of the presentation.
4 (See column 3, lines 45 through 59). Thus, the Examiner has failed to show that it is well known in
5 the art to automatically embed slide change commands into a data stream as the data stream is
6 produced, since none of the art cited by the Examiner either teaches or suggests such a step.

7 The same comments generally apply to this portion of applicants' claimed invention in each
8 of the other independent Claims that the Examiner has rejected. The Examiner has failed to provide
9 any art that supports the application of Official Notice regarding this point in the rejection of
10 applicants' claims. Indeed, the art cited fails to teach or suggest such a step (and in regard to two of
11 the references cited, is not clearly prior art).

12 Claims Rejected under 35 U.S.C. § 103

13 The Examiner has previously rejected Claims 1 - 5, 7 - 13, 16 - 18, 21, 22, and 24 - 27 as
14 being unpatentable over "Mastering Microsoft Internet Information Server 4" (Dyson), in view of
15 U.S. Patent No. 6,108,678 (Craig). Applicants again rely upon the remarks made in response to the
16 final office action, which are incorporated herein by reference. In view of the comments made above
17 regarding the art cited by the Examiner in the advisory action, it should be apparent that the Examiner
18 has failed to provide any justification for relying upon Official Notice in connection with the
19 rejection of these claims. The failure of the newly cited references to teach "automatically
20 embedding the slide display commands into a data stream as the data stream is produced" shows that
21 this concept is not well known in the art and that Official Notice of it is not properly taken as a basis
22 for rejecting applicants' claims. Therefore, each of the Claims rejected by the Examiner is indeed
23 patentable over the art cited.

24 In addition, applicants have amended independent Claims 1 and 9 to indicate that the live
25 content is captured "as a plurality of video frames comprising a plurality of keyframes and
26 deltaframes." Claim 1, subparagraph (c) now also recites the step of "time indexing the plurality of
27 keyframes and deltaframes as the live content is captured to enable synchronization of the slide
28 display commands with the live content." For the reasons noted below, applicants assert that these
29 claims clearly distinguish over the art cited by the Examiner. Also, the cited art fails to disclose or
30 suggest the use of keyframes for time indexing. Applicants note that in the advisory action, the

1 Examiner failed to address this point in applicants' response to the Final Office Action, and
2 accordingly, the same arguments are repeated herein.

3 Claims Rejected under 35 U.S.C. § 103(a) over Dyson in View of Klemets

4 Claims 6, 14, 15, 19, 23, 27, and 28 continue to be rejected under 35 U.S.C. 103(a) as
5 unpatentable over Dyson in view of Klemets et al. (U.S. Patent Application No. 2001/0013068,
6 hereinafter referred to as Klemets). However, as discussed above, Dyson, Official Notice, and the
7 other newly cited art do not disclose or suggest all of the steps or elements of the independent Claims
8 from which dependent Claims 6, 14, 15, 19, 23, 27, and 28 depend. Further, the Final Office Action
9 does not indicate that Klemets discloses or suggests the missing step or element discussed above.
10 Thus, dependent Claims 6, 14, 15, 19, 23, 27, and 28 are patentable for at least the same reasons as
11 the independent claims.

12 Also, in response to the applicants' arguments traversing the rejections set forth in applicants'
13 previous amendment of September 15, 2003, the Examiner indicates that paragraphs [0065-0068] of
14 Klemets disclose the elements of a keyframe and indexing each slide display command to a nearest
15 preceding keyframe time index. However, this portion of Klemets was cited in the last Office Action,
16 and applicants directed the Examiner's attention to paragraph [0053] that explains the content of a
17 locator annotation stream and makes clear that a locator annotation stream is separate from a video
18 stream. Thus, paragraph [0053] defines some of the terminology used in paragraphs [0065-0068].
19 Specifically, paragraph [0053] explains that "[e]ach annotation frame includes an event locator and
20 an event time marker . . ." (Klemets, [0053]). However, the annotation frames of the **annotation**
21 stream in Klemets are not equivalent to applicants' keyframes or to the indices of applicants' data
22 stream of live audio and/or visual data, as defined by applicants' Claims and specification.
23 Moreover, paragraphs [0065-0068] and the remainder of Klemets do not disclose or suggest any kind
24 of keyframe as defined by applicants' specification. As explained in applicants' previous
25 amendment, "keyframes are video frames that comprise new data, while deltaframes comprise data
26 corresponding to the difference between a current frame and its immediately preceding frame. Preferably,
27 each slide display command will be indexed to a nearest preceding keyframe . . ." (see applicants'
28 specification, page 7, lines 3-6). In contrast, Klemets does not distinguish any different types of video
29 frames. Klemets simply provides a time stamp for each video frame (see Klemets' Figure 5).
30 Consequently, Klemets can not possibly disclose or suggest indexing a slide display command to a nearest

1 preceding keyframe time index value. Accordingly, the rejection of Claims 6, 14, 15, 19, 23, 27, and 28
2 under 35 U.S.C. § 103(a) should be withdrawn.

3 In consideration of the preceding Remarks, it should be evident that all Claims in the present
4 application define a novel and non-obvious invention. Since the application is in condition for
5 allowance, the Examiner is asked to pass it to issue without further delay. Should any questions
6 remain, the Examiner is asked to telephone applicants' attorney at the number listed below.

8 Respectfully submitted,

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10 

11 Ronald M. Anderson
12 Registration No. 28,829

13 RMA:lrg

14 EXPRESS MAIL CERTIFICATE

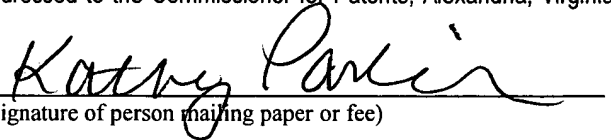
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